



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
OREGON OPERATIONS OFFICE
805 SW Broadway, Suite 500
Portland, Oregon 97205

April 9, 2010

Mr. Jim McKenna
Port of Portland & Interim Chairman, Lower Willamette Group
121 NW Everett
Portland, Oregon 97209

Re: Portland Harbor Superfund Site; Administrative Order on Consent for Remedial Investigation and Feasibility Study; Docket No. CERCLA-10-2001-0240 – LWG Response to EPA Preliminary Comments on Baseline Human Health and Ecological Risk Assessments

Dear Mr. McKenna:

This letter is in response to the Lower Willamette Group's (LWG) February 18, 2010 letter regarding EPA's February 9, 2010 proposed resolution of EPA's December 23, 2009 preliminary comments on the Baseline Human Health and Ecological Risk Assessments. As you are aware, EPA and LWG have been working to resolve EPA's December 23, 2009 preliminary comments on the Baseline Human Health and Ecological Risk Assessments. The results of these discussions are documented in your letter dated February 5, 2010 and our letter dated February 9, 2010.

In the LWG's February 18, 2010 letter, the LWG accepts EPA's February 9, 2010 proposed resolution with the exception of EPA's determination that all chemicals with a hazard quotient greater than or equal to 1.0 be identified as contaminants of concern (COCs) and certain elements of EPA's proposed resolution to Comment 10 of our December 23, 2009 comments. In addition, the LWG requests acknowledgment that Comments 3, 4, 7 and 8 are not of a directive nature as they pertain to the baseline risk assessments. EPA's response to these three issues is summarized below.

1. Identification of COCs:

The LWG states "it is premature to formally define contaminants of concern (COCs) on either a site-wide or AOPC-specific basis at this time because EPA is still reviewing the draft risk assessments, has not completed an evaluation of the risk assessment lines of evidence, and has not yet developed the risk management framework for the site." As a result, the LWG requests the following changes to EPA's proposed language wherever it occurs in the February 9, 2010 resolution letter and table: "All chemicals with a hazard quotient greater than or equal to 1.0 based on the lines of evidence presented in the problem formulation must be carried into the FS."

EPA disagrees with this proposed language change and believes that EPA's use of the term COC is fully consistent with EPA guidance and historical use of the term. Furthermore, EPA previously commented that it was unacceptable for the baseline ecological risk assessment to define a subset of COCs as chemicals posing unacceptable risk. EPA's Superfund Information Systems website defines COCs as "chemical substances found at the site that the EPA has determined pose an unacceptable risk to human health or the environment." In addition, EPA's Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents, July 1999 defines COCs as "those chemicals identified in the RI/FS as needing to be addressed by the response action proposed in the ROD". Based on these definitions, any chemical found to pose unacceptable risk in the baseline human health or ecological risk assessments must be identified as a COC and carried into the FS for further evaluation.

2. EPA's Proposed Resolution to Comment 10:

EPA commented that the ARARs evaluation of surface water and the drinking water pathway should be performed consistent with EPA comments 251 and 253 on the Round 2 Report. EPA further commented that because depth integrated surface water samples were not collected in every area where near bottom surface water samples contain chemicals exceeding EPA Regional Screening Levels (RSLs, formerly referred to as Region 6 tap water PRGs) and/or SDWA non-zero MCLGs or MCLs, the risk assessment must discuss the uncertainty associated with the exclusion of this data in the baseline human health risk assessment. In addition, EPA commented that the draft FS must include an assessment of the chemicals present in near bottom surface water samples at concentrations above RSLs and/or SDWA non-zero MCLGs/MCLs when assessing contaminant mobility during the evaluation of remedial action alternatives in the draft FS for the Portland Harbor site.

In response to the above comment, the LWG agreed to screen near bottom surface water samples against RSLs as part of the uncertainty analysis in the BHHRA and to screen existing near bottom samples against SDWA MCLs in areas of contaminated groundwater discharge to identify additional chemicals for evaluation of contaminant mobility during the evaluation of remedial alternatives in the FS. The LWG did not agree to carry chemicals exceeding surface water screening levels into the FS because the BHHRA has already determined that only arsenic is a surface water COC.

Regarding the use of near bottom samples in the uncertainty analysis, EPA has determined that near bottom surface water samples should be evaluated against non-zero MCLGs, and in their absence MCLs and RSLs, in the uncertainty analysis. EPA believes that the public should be aware that certain near bottom surface water samples exceed regulatory and risk-based levels even though depth integrated samples do not.

Regarding the evaluation of chemical mobility, the near bottom surface water samples should be screened against both ARARs (non-zero MCLGs/MCLs and AWQCs) as well as any other risk based screening levels for relevant surface water receptors and exposure pathways. Through such a screening and clear documentation of the data, the FS and future remedial design

will be informed where samples were and were not taken and where additional analysis may be necessary to evaluate remedy effectiveness.

3. Directive Nature of Comments 3, 4, 7, and 8

The LWG requested acknowledgment that we are in agreement that Comments 3, 4, 7 and 8 are not of a directive nature as they pertain to the baseline risk assessments. Because EPA is still in the process of finalizing our comments on the baseline human health and ecological risk assessments, and because our comments are focused on initiating the feasibility study, EPA acknowledges that comments 3, 4, 7, and 8 are not of a directive nature as they pertain to the baseline risk assessments.

EPA has carefully considered the LWG's response to our December 23, 2010 preliminary comments on the draft baseline human health and ecological risk assessments as presented in your February 5, 2010 and February 18, 2010 letters. Furthermore, EPA believes that our February 9, 2010 response represents a viable path forward towards resolving EPA's preliminary risk assessment comments. As a result, EPA expects the LWG to incorporate our proposed resolution regarding the identification of COCs and the contaminant mobility evaluation of near bottom surface water samples into the draft FS, and to fully address the remaining comments in the revised baseline human health and ecological risk assessments. If you have any questions regarding this matter, please contact Chip Humphrey at (503) 326-2678 or Eric Blischke (503) 326-4006. All legal inquiries should be directed to Lori Cora at (206) 553-1115.

Sincerely,

Chip Humphrey
Eric Blischke
Remedial Project Managers

cc: Greg Ulirsch, ATSDR
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